



"The City With a Heart"

Perry Petersen, *Chair*
Joe Sammut, *Vice Chair*
Rick Biasotti
Mary Lou Johnson
Kevin Chase
Sujendra Mishra
Bob Marshall, Jr,

MINUTES PLANNING COMMISSION MEETING

February 15, 2011

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:01 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Chase	X	
Vice Chair Petersen	X	
Commissioner Biasotti	X	
Commissioner Marshall	X	
Commissioner Mishra		X
Commissioner Sammut	X	Arrived at 7:21
Commissioner Johnson		X

STAFF PRESENT:

Planning Division: Community Development Director: Aaron Akin
Associate Planner: Laura Russell
Assistant Planner: Matt Neuebaumer
City Attorney: Marc Zafferano
Recording Secretary: Shauna Williams

Pledge of Allegiance: Commissioner Biasotti

1. Approval of Minutes – January 18, 2011

Motion to Approve Minutes of January 18, 2011 Planning Commission meeting.

Biassoti/ Chase

VOTE: 4-0
AYES: All Commissioners Present at that time.
NOES: None
ABSTAIN: None

2. Communication

E-Packets are available on line at www.sanbruno.ca.gov

Draft Transit Corridor Plan is available on line at www.planbruno.org

CD Director Aknin introduced Marc Zafferano, the new City Attorney.

3. Public Comment – None.

4. Announcement of Conflict of Interest

Commissioner Marshall will recuse himself on agenda item 5.B because his business is located within 500 feet of Don Pico's Restaurant.

5. Public Hearings

A. 1301 Santa Lucia Avenue

Request for a Use Permit to allow an addition which increases the gross floor area by greater than 50% cumulatively (120%) per Sections 12.200.030.B.1, of the San Bruno Municipal Code. William Lim (Applicant), Alice Young (Owners) UP-10-007.

Assistant Planner Neuebaumer: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 10-007 based on Findings of Fact 1-7 and subject to Conditions of Approval 1-24.

Chair Petersen asked Commission if there were any questions for staff.

Commissioner Marshall: On condition #23, can we add the requirement for carbon monoxide detectors?

CD Director Aknin: Yes, we will add that language to the condition.

Chair Petersen: At the last meeting I suggested a condition regarding the ground water. Can you please implement that condition on this project?

Assistant Planner Neuebaumer: Yes, we can add that language.

Chair Petersen: Please send me a copy of that condition.

Public Comment Opened.

William Lim; Applicant: We have worked with staff on this project for over a year now. I feel staff did a great job with the staff report and explaining the project.

Commissioner Chase: Have you read and agreed with the conditions of approval?

William Lim; Applicant: Yes.

Public Comment Closed.

Motion to approve Use Permit 10-007 based on Findings of Fact (1-7) and Conditions of Approval (1-24). With revised conditions #19 and #23.

Commissioner Marshall/ Biasotti

VOTE: 4-0

AYES: All Commissioners Present.

NOES: None

ABSTAIN: None

Chair Petersen advised of a 10-day appeal period

FINDINGS OF FACT

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
3. The proposed development will be consistent with the general plan.
4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.
7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.

CONDITIONS OF APPROVAL

Community Development Department - (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 10-007 shall not be valid for any purpose. Use Permit 10-007 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition shall be built according to plans approved by the Planning Commission on February 15, 2011 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code or as storage. The residence must have the ability to park one vehicle in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
9. Prior to Final Inspection, 15% of the site shall be landscaped and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director. No more than 80% of the lot shall consist of impervious surface.
10. The residence shall meet 2010 California Green Building Standards Code - California Code of Regulations, Title 24, Part 11 – Tier One measures. The applicant shall submit the green building checklist with the building permit submittal.

Department of Public Services - (650) 616-7065

11. Please note that the front property line is located 8.5 feet behind the sidewalk at Balboa Way and the street side property line is located 10.0 feet behind the sidewalk at Santa Lucia Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 8.5 feet from back of sidewalk along Balboa Way and 10.0 feet from back of sidewalk along Santa Lucia Avenue. S.B.M.C. 8.08.010.
12. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
13. Encroachment Permit from Public Works Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010.
14. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 –inch. S.B.M.C. 8.12.010.
15. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Cherry Avenue. S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
16. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City

standards detail SS-01

17. Paint address number on face of curb near driveway approach. Black lettering on white background.
18. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
19. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained to an underground storm water system or through an under sidewalk curb drain to the gutter per City standards detail SI-03. The Storm water/on-site drainage program shall address the quantity of water that enters the ground underneath the home to help reduce moisture that may cause damage to the home in the future.
20. The building permit plans shall include a site plan that shows all property lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
21. Perform water demand calculation based requirements in Chapter 7 of the California Plumbing Code to confirm that the existing water service and meter are sufficient to serve water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of water meter. S.B.M.C. 10.14.020/110.

Fire Department- (650) 616-7096

22. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
23. Provide hard-wired smoke detectors and carbon monoxide detectors with battery backup as required by building code.
24. Provide spark arrester for chimney if not currently in place.

CD Director Akin recommended that agenda item 6.B be moved before agenda item 5.B.

Chair Petersen agreed and changed the order of the agenda items.

B. Informational presentation on Solar Power

Collin Swan gave presentation on solar panels and the GoSolar program with the City of San Francisco.

Commissioner Biasotti: Where does San Francisco get the funds for the GoSolar program?

Collin Swan: The Public Utilities Commission budgets for the program.

Chair Petersen: I don't believe that San Bruno would be able to fund this type of program.

Commissioner Marshall recused himself on agenda item 5.B

B. 461 El Camino Real

Request for a Use Permit to allow alcohol beverage sales in conjunction with a restaurant per Chapter 12.96.100C.5, of the San Bruno Zoning Ordinance. Issac Mejia (applicant), Anstell Ricossa (property owner) UP-11-001.

CD Director Akin: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 11-001, based on Findings of Fact 1-5 and subject to Conditions of Approval 1-18.

Chair Petersen asked Commission if there were any questions for staff.

Chair Petersen: The current parking lot is very difficult to pull out of, and often times you see vehicles backing out onto El Camino. Is there a way to reconfigure the parking lot or striping?

CD Director Akin: In the past, the business owner and I have discussed how dangerous the parking situation can be. Due to the width of the lot there is no way to have perpendicular parking spaces at that site.

Chair Petersen: I am surprised that the City is accepting an application that involves a parking safety hazard.

CD Director Akin: I believe the property owner will be willing to reevaluate the parking configuration.

Commissioner Chase: I agree with Chair Petersen. The applicant is doubling the size of the restaurant, however, not increasing any parking spaces. Is that correct?

CD Director Akin: The applicant is taking over the previous restaurant space. Additional parking spaces are not required because the use is not changing. The previous restaurant shared the existing parking spaces with Don Pico's. The parking lot will now accommodate only one restaurant tenant as apposed to two.

Commissioner Biasotti: If the tenant's application was to expand the restaurant space and only have a beer and wine license; would their application be brought before the Commission tonight?

CD Director Akin: Yes, the application is brought before you because the previous restaurant did not have a Use Permit to allow alcohol beverage sales. Therefore, this application is for the expansion of the sales of alcohol and for the change to a hard alcohol license.

Public Comment Opened.

Mel Phillips; Applicant: We have full intentions on complying with staff's recommendations.

Public Comment Closed.

Motion to approve Use Permit 11-001 based on Findings of Fact (1-5) and Conditions of Approval (1-18).

Commissioner Chase/ Biasotti

VOTE: 4-0

AYES: All Commissioners Present.

NOES: None

ABSTAIN: None

Chair Petersen advised of a 10-day appeal period

Findings of Fact

1. The activity or use does not jeopardize, endanger or result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. The activity or use does not result in repeated nuisance activities or police interventions within the premises or in close proximity of the premises, including but not limited to criminal activities, disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
3. The activity or use does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
4. The upkeep and operating characteristics of the activity or use are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.
5. The applicant for a liquor license receives a Letter of Public Convenience or Necessity issued by the City of San Bruno for an application which would tend to create a law enforcement problem, or if issuance would result in or add to an "Undue Concentration" of licenses, required due to either of the following conditions:
 - a. The applicant premises are located in a crime reporting district that has a 20% greater number of reported crimes in a geographical area within the boundaries of the city than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the San Bruno Police Department that are identified by the department in the compilation and maintenance of statistical information on reported crimes and arrests.
 - b. The applicant premises are located in an area of Undue Concentration, which is defined to exist when an original application or premises-to-premises application is made for a retail on-sale license in a census tract where the ratio of existing on-sale retail licenses to population in the census tract exceeds or will exceed the ratio of retail on-sale licenses to population in San Mateo County.

CONDITIONS OF APPROVAL

Community Development Department – (650) 616-7074

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary Hearing to the Community Development Department within 30 days of approval. Until such time as the Summary is filed, Use Permit 11-001 shall not be valid for any purpose. Use Permit 11-001 shall expire one (1) year from the date of approval unless the plan is executed.
2. The signed copy of the Summary of Hearing shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit shall be built and operated by the owner and any successor in interest, according to plans approved by the Planning Commission on February 15, 2011 labeled Exhibit B, except as required to be modified by these Conditions of Approval. Any modification to the approved

plans or any deviation or change in the business activities shall require prior approval by the Community Development Director. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
6. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City.
7. The applicant shall conduct regular maintenance of the site to maintain the premises and remove debris and litter at the front, and rear of the building.
8. The hours of operation shall be limited to 11:00 a.m. until 11:00 p.m. Any changes from the hours of operation shall require prior authorization of the Community Development Director. Any change that results in a later closing time shall also require review by the Police Department.
9. The applicant or property owner will clean graffiti on the property and/or paint over it within 24 hours of its appearance. This condition also gives the City of San Bruno consent to have the graffiti painted out for the applicant. If the graffiti is not removed within 24 hours, the City's graffiti removal vendor will be instructed to remove the graffiti and provide a detailed accounting of the cost to the property owner, who will be responsible for reimbursing the City for the graffiti removal.
10. The Community Development Director may call this back to the Planning Commission if he/she finds that the business is not complying with the required performance standards or conditions of approval.
11. All trash and trash containers shall be stored within appropriate designated trash areas. Sufficient trash container capacity shall be provided to ensure that all trash and debris from the building can be stored within the trash container area and with completely closed lids. The trash enclosure shall be covered and shall comply with San Mateo Countywide Water Pollution Prevention Program best management practices and shall be submitted to Planning division as part of the Building Permit plan check.
12. The applicant shall provide the signed copy of the Summary of Hearing to the Alcohol, Beverage and Control Board (ABC). The signed summary of hearing will serve as the Letter of Public Convenience of Necessity as required by ABC.
13. The applicant shall address and comply with all applicable building codes and all ADA standards at the time of building permit submittal.

Police Department- (650) 616-7100

14. Address numbers for the business are to be visible on a contrasting background, easily visible from the street. The address numbers for the business also must be visible at night.

15. Adequate lighting of the grounds contiguous to the building and of sufficient wattage shall be provided to make clearly visible the presence of any person on or about the premises during the hours of darkness and to ensure a safe and secure environment for all persons and property on site.
16. The applicant shall comply with all Alcohol and Beverage Control requirements.
17. The applicant is responsible for providing emergency contact information to the police department for after hour's emergencies.
18. Alcohol consumption shall be limited to the interior of the restaurant area. At no time shall alcohol be consumed outside of the restaurant.

6. Discussion

- A. **City Staff Discussion:** Commissioners Marshall volunteered for the March 10, 2011 Architectural Review Committee meeting. Staff will contact Commissioner Johnson and Mishra to determine whether they are available to attend the March 10, 2011 Architectural Review Committee meeting.
- B. **Planning Commission Discussion:**

Commissioner Marshall: With the new state proposal to stop redevelopment funds, what happens with the applications that have already been approved for redevelopment funds?

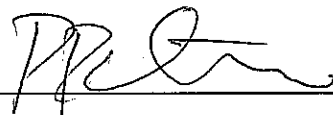
CD Director Akin: The Governor's proposal states that any pending redevelopment funds should be honored. We do not have very many details and the legislation has not been released yet.

7. Adjournment

Meeting was adjourned at 7:40 pm



Aaron Akin
Secretary to the Planning Commission
City of San Bruno

 4-19-2011

Perry Petersen, Chair
Planning Commission
City of San Bruno

NEXT MEETING: March 15, 2010